

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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Derrick L. Anderson, *a.k.a.*)
Derrick LaShawn Anderson,)
)
Plaintiff,)
)
v.)
)
Rhonda Abston, Capt.; Travis Teehan,)
Sgt.; and Charles Williams, Lt.,)
)
Defendants.)
_____)

Civil Action No.: 2:11-cv-2642-RMG

ORDER

Plaintiff brings this pro se action seeking relief pursuant to 42 U.S.C. § 1983. This case was automatically referred to the United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C. Plaintiff is a state inmate at Perry Correctional Institution and claims that Defendants violated his constitutional rights by using excessive force on him, thereby inflicting cruel and unusual punishment. (Dkt. No. 1 at 2). Plaintiff seeks damages from Defendants to compensate him for his alleged injuries, pain, and suffering. *Id.* at 5. Defendants have filed a motion for summary judgment (Dkt. No. 15), Plaintiff has filed a response (Dkt. No. 18) and Defendants have filed a reply (Dkt. No. 20). The Magistrate Judge issued a Report and Recommendation recommending that the Court grant Defendants' motion for summary judgment. (Dkt. No. 21). The parties were advised that any objections to the Report and Recommendation must be filed in writing within 14 days of service of the Report and Recommendation or face limited review by the District Court and waiver of the right of appeal. *See* Dkt. No. 21 at 13; *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91

(4th Cir. 1984). Notwithstanding these instructions, Plaintiff failed to file any written objections to the Magistrate Judge's Report and Recommendation.

The Court has reviewed the record in this matter, the Report and Recommendation and the applicable law and hereby finds that the Report and Recommendation accurately summarizes the applicable factual and legal issues in this motion. Therefore, the Court hereby adopts the Report and Recommendation as the order of this Court. (Dkt. No. 21). For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that Defendants' motion for summary judgment be **GRANTED** due to Plaintiff's failure to state a claim upon which relief can be granted.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written over a horizontal line.

The Honorable Richard Mark Gergel
United State District Court Judge

Charleston, South Carolina
June 25, 2012